



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION I

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**JUN 27 2014**

Mr. Carl E. Mock, Superintendent  
Ayer-Shirley Regional School District  
115 Washington Street  
Ayer, Massachusetts 01432

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(a)  
and § 761.79(h)  
Ayer Shirley Regional High School  
Ayer, Massachusetts

Dear Superintendent Mock:

This is in response to the Ayer Shirley Regional School District (ASRSD) Notification<sup>1</sup> for approval of a proposed plan to address PCB contamination at the Ayer-Shirley Regional High School (the Site) located at 141 Washington Street, Ayer, Massachusetts. The Site contains caulk that exceeds the allowable PCB levels under 40 CFR § 761.20(a) and § 761.62.

The ASRSD has requested an approval under 40 CFR § 761.61(a) which includes the following activities:

- Remove *PCB Bulk Product Waste* (i.e., expansion joint caulk, 18 inches of brick on both sides of the expansion joint, and 18 inches of concrete at the base of the expansion joint on both sides of the expansion joint to a depth of 1 foot) and dispose in accordance with 40 CFR § 761.62(b)
- Conduct confirmatory post-abatement sampling of the *porous surfaces* (i.e., concrete and brick) in accordance with 40 CFR 761 Subpart O to confirm that the PCB cleanup standard of 1 ppm has been met

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<sup>1</sup> The notification was prepared by CDW Consultants on behalf of the Ayer Shirley Regional School District to satisfy the notification requirement under 40 CFR § 761.61(a)(3) and § 761.79(h). Information was submitted dated March 18, 2014 (PCB Remediation Plan and Contractor Work Plan); June 13, 2014 (Response to EPA Comments and revised PCB Remediation Plan and Contractor Work Plan); and June 25, 2014 (Conversation concerning 2<sup>nd</sup> response to EPA request for clarification). These submittals shall be referred to as the "Notification".

The ASRSD has determined that certain caulks (i.e., white caulk, gray/tan door caulk, and white/grey vent caulk, and gray window caulk) which have PCB concentrations at less than (<) 50 ppm, meet the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or decontamination of surfaces that are in contact with the < 50 ppm caulk. ASRSD has indicated that most of the caulks contain asbestos and will be removed and disposed of as an asbestos containing waste.

The Notification meets the requirements and standards established under 40 CFR §§ 761.61(a), 761.62, and 761.79(h) for cleanup and disposal of PCB waste.

The ASRSD may proceed with its project in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1.

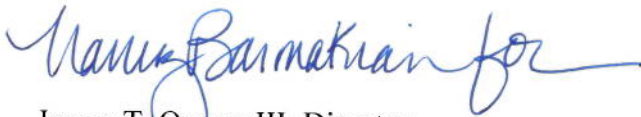
Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527

This Approval does not release the ASRSD from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Massachusetts Department of Environmental Protection (MassDEP) regulations.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "James T. Owens III", followed by a horizontal line.

James T. Owens III, Director  
Office of Site Remediation & Restoration

cc Susan Cahalan, CDW Consultants, Inc.  
MassDEP, Central Region  
File

Attachment 1: PCB Approval Conditions



## ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
AYER-SHIRLEY REGIONAL SCHOOL DISTRICT  
AYER-SHIRLEY REGIONAL HIGH SCHOOL (the "Site")  
141 WASHINGTON STREET  
AYER, MASSACHUSETTS**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.<sup>(2)</sup>
2. The Ayer-Shirley Regional School District (ASRSD) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The ASRSD must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the ASRSD shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The ASRSD is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the ASRSD has or receives information indicating that the ASRSD or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

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<sup>2</sup> The notification was prepared by CDW Consultants on behalf of the Ayer Shirley Regional School District to satisfy the notification requirement under 40 CFR § 761.61(a)(3) and § 761.79(h). Information was submitted dated March 18, 2014 (PCB Remediation Plan and Contractor Work Plan); June 13, 2014 (Response to EPA Comments and revised PCB Remediation Plan and Contractor Work Plan); and June 25, 2014 (Conversation concerning 2<sup>nd</sup> response to EPA request for clarification). These submittals shall be referred to as the "Notification".

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the ASRSD are authorized to conduct the activities set forth in the Notification. The ASRSD is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the ASRSD from compliance with any applicable requirements of federal, state or local law; or 3) release the ASRSD from liability for, or otherwise resolve any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in 40 CFR § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

10. This Approval may be revoked if the EPA does not receive written notification from the ASRSD of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. The ASRSD shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
12. The ASRSD shall submit the following information for EPA review and/or approval:
  - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
  - b. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

#### **CLEANUP AND DISPOSAL CONDITIONS**

13. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.



14. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
  - a. All visible residues of PCB caulk and associated *porous surfaces* (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
  - b. The PCB cleanup standard for *porous surfaces* (i.e., concrete and brick) shall be less than or equal to ( $\leq$ ) 1 part per million (ppm).
    - i) All post-cleanup verification sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis.
      - (1) Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.
      - (2) The verification sampling shall be in accordance with the frequency requirements specified at 40 CFR 761 Subpart O.
    - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
    - iii) For decontaminated *porous surfaces* that have PCB concentrations exceeding the PCB cleanup standard, the ASRSD may conduct additional decontamination to achieve the required PCB cleanup standard or remove and dispose of these wastes as TSCA-regulated waste in accordance with 40 CFR Part 761. In this event, verification sampling will be required to confirm that the additional decontamination was adequate to meet the  $\leq$  1 ppm PCB cleanup standard.
15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).

- b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
- c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

- 16. The ASRSD shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the ASRSD to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
- 17. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
- 18. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
- 19. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
- 20. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities to be conducted under this Approval present an unreasonable risk to public health or the environment.

**RECORDKEEPING AND REPORTING CONDITIONS**

21. The ASRSD shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by the ASRSD in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
22. The ASRSD shall submit a final report as both a hard copy and electronic format, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
23. Required submittals shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 – (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
24. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**